

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-61344

CHRISTOPHER MICHAEL TAYLOR, and
CYNTHIA LOUISE TAYLOR,

Chapter 7

Judge Thomas J. Tucker

Debtors.

**ORDER DISAPPROVING REAFFIRMATION AGREEMENT
BETWEEN DEBTORS AND HARRIS N.A. (DOCKET # 21)**

On July 8, 2009, Debtors filed a joint voluntary petition for relief under Chapter 7. On October 14, 2009, the Court entered an order granting Debtors a discharge under 11 U.S.C. § 727 (Docket # 19). On October 27, 2009, a Reaffirmation Agreement between Debtors and Harris N.A. was filed (Docket # 21).

Under 11 U.S.C. § 524(c)(1), a reaffirmation agreement is not enforceable unless it “was made before the granting of the discharge under section 727.” Parts D and E of the Reaffirmation Agreement show that Debtors signed it on October 15, 2009. Part B of the agreement shows that Harris N.A. signed it on October 27, 2009. Therefore, the Reaffirmation Agreement was not made before the Debtors were granted a discharge, and is not enforceable.

The Court further notes that the deadline to file a reaffirmation agreement is established by Fed.R.Bankr.P. 4008(a) — the deadline is “no later than 60 days after the date first set for the meeting of creditors under § 341(a) of the Code.” In this case, the deadline was October 13, 2009. Rule 4008(a) also provides that the Court may extend this deadline. But Fed.R.Bankr.P. 4004(c)(1)(J) contemplates that such a motion to extend can only be granted if the discharge has not yet been granted. *See* Fed.R.Bankr.P. 4004 advisory committee notes to 2008 Amendments (“Rule 4004(c)(1)(J) accommodates . . . an extension [of time for filing a reaffirmation

agreement] by providing for a delay in the entry of discharge during the pendency of a motion to extend the time for filing a reaffirmation agreement.”). No motion to extend the deadline for filing a reaffirmation agreement was filed in this case. Because the discharge was granted, on October 14, 2009, it is now too late for such a motion to extend.

Because the Reaffirmation Agreement at issue is not enforceable, the Court must disapprove it. Accordingly,

IT IS ORDERED that the Reaffirmation Agreement (Docket # 21), is DISAPPROVED.

Signed on October 29, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge